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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,570	11/14/2003	Arnaud Brierre	50289/RJP/B799	8260

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,570

Applicant(s)

BRIERRE ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/23/2004 was filed after the filing date of the instant application on 11/14/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the labels in the Figures are incomprehensible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In regards to claim 1, the claim states, "the cinema server". Since the specification of the instant application clearly states a subtitle and cinema server, the examiner cannot determine if the Applicant meant to state, "a cinema server" or "the subtitle server". Appropriate correction is required.

For the remainder of this Office Action, the examiner will assume that the Applicant intended to state, "the subtitle server".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Basson et al. (U.S. Patent Application Publication 2002/0101537).

Referring to claim 1, Basson discloses a personalized subtitle system (see Figure 3) comprising a display device for display of subtitles (see display device 102 in Figure 3 and Paragraph 0033) and a personalized subtitle system controller coupled to the display device (see closed caption receiver 100 coupled to the display device 102 in Figure 3).

Basson further discloses that the personalized subtitle system controller includes a processor and memory having programming instructions executable by the processor

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stored therein (see processor 404 and memory 405 in the closed caption receiver 100 in Figure 4).

Basson further discloses that the programming instructions include the steps of accessing a subtitle server via a communications network (see Paragraph 0065), receiving a subtitle from the subtitle server via the communications network (see Paragraph 0057-0059) and displaying the subtitle on the display device (see Paragraph 0059).

Referring to claim 2, Basson discloses that the display device 102 is coupled to the personalized subtitle system controller 100 via a communications link (see Paragraph 0033) and the program instructions for displaying the subtitle on the display device further including transmitting the subtitle to the display device (see the display signal generator 408 in Figure 4 and Paragraph 0059).

Referring to claim 3, Basson discloses an input device coupled to the personalized subtitle system controller via communication link (see remote control unit 114 in Figure 1 and Paragraphs 0037-0040 and controller input 407 connected to the processor 404 in Figure 4).

Referring to claim 4, see the rejection of claim 1 and further note that Basson discloses receiving a plurality of subtitles from the subtitle server via the communications network (see Paragraph 0050, Lines 7-9), receiving a synchronization signal (see Paragraph 0051, Lines 13-17 for receiving an audio signal that is synchronized with the video signal, thereby teaching receiving a synchronization signal from an external source and Paragraphs 0043-0047 for the user providing the

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synchronization signal used to synchronize the transcription data received with the video the user is watching) and selecting a subtitle from the plurality of subtitles using the synchronization signal (see Paragraph 0045 for an example of starting and stopping a movie presentation, therefore requiring the user to select a subtitle of the plurality of subtitles by utilizing the step of restarting the movie presentation and also note Paragraph 0053 for providing multiple languages to the user).

Referring to claim 5, Basson discloses that the program instructions for selecting a subtitle further include selecting a next subtitle from a sequence of ordered subtitles (see again Paragraph 0045 for starting and stopping a movie presentation, therefore requiring the user to select a subtitle of the plurality of subtitles by utilizing the step of restarting the movie presentation and also note Paragraph 0053 for providing multiple languages to the user). Therefore, Basson clearly teaches selecting a next subtitle in a sequence of ordered subtitles.

Referring to claim 6, see the rejection of claims 4-5.

Referring to claim 7, Basson discloses that the program instructions for receiving a synchronization signal further include accessing a cinema server using a wireless communication network (see Paragraph 0046 for the use of a synchronization module 205 which is accessed when synchronizing the closed caption text data with the video displayed to the user and Paragraph 0063 for the synchronization module 205 being separate from the transcription service 200, therefore when the receiver 100 requests closed captions, the synchronization module/cinema server 205 as well as the transcription module 200 is accessed using a wireless communications network (see

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Paragraph 0056 for the communications module 400 connecting to the translator or transcription service through a wireless link)) and receiving the synchronization signal from the cinema server via the communication network (see the rejection of claim 4).

Referring to claim 10, see the rejection of claim 1.

Referring to claims 11-13, see the rejection of claims 1-13, respectively.

Referring to claims 14-17, see the rejection of claims 1-7, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-9 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent Application Publication 2002/0101537) in view of Li et al. (U.S. Patent Application Publication 2001/0044726).

Referring to claim 8, Basson discloses all of the limitations in claim 7, as well as allowing a user to access closed captions in different languages (see Paragraph 0053), but fails to teach that the synchronization signal includes subtitle information and the program instructions for selecting a subtitle further include selecting a subtitle from the plurality of subtitles using the subtitle information.

Li discloses presenting a menu of different languages so that a user can select the language that he or she desires, thereby receiving closed captions in the language

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the user has selected while the movie is being presented to the user (see Paragraphs 0036-0038). Therefore, a synchronization signal can be sent that includes information on which language can be selected, which will in turn display closed captions in the selected language.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the multiple language presentation system, as taught by Basson, using the language selection process, as taught by Li, for the purpose of providing a visitor staying in a hotel of a foreign country movies provided with audio signals or closed captioning data corresponding to his native language (see Paragraphs 0025-0026 of Li).

Claim 9 corresponds to claim 8, where Li further discloses that the synchronization signals is a time code (see Paragraph 0039).

Referring to claims 18-19, see the rejection of claims 8-9, respectively.

Conclusion

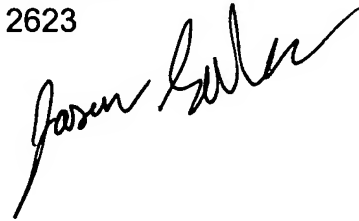
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
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A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

April 18, 2006